REMARKS

Upon entry of this Response, claims 1-132 remain pending in the present application. Claims 1, 7, 30, 49, 68, 89, 114 and 132 have been amended. Applicants request reconsideration of the pending claims in view of the following remarks.

As an initial matter, claims 1 and 7 have been amended herein to correct for various grammatical errors where noted.

In item 3 of the Office Action, claims 1, 7, 30, 49, 68, 89, and 114 are rejected under 35 U.S.C. §251 as being broadened in the reissue application filed outside the two year statutory limit. Applicants note that claims 1, 7, 30, 49, 68, 89, and 114 have been amended to overcome this objection. In addition, claims 1, 7, 30, 49, 68, 89, and 114 have been narrowed by assigning or associating tiles and objects "respectively" to further indicate a respective relationship between various ones of the tile with the objects. Accordingly, Applicants request that the rejection of claims 1, 7, 30, 49, 68, 89, and 114 under 35 U.S.C. §251 be withdrawn.

In item 5 of the Office Action, claims 1-132 are rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement. In particular, it is alleged that the following interpretation for independent claims 1, 7, 30, 49, 68, 89, 114, and 132 (and all dependent claims by virtue of reliance to their respective base claims) is not supported in the instant specification: "assigning a plurality of tiles to each of said objects ...". In response to the rejection, Applicants note that Applicants' specification explicitly states that "tiles are designed to display the various forms of objects. There is not one tile for each object but one tile for each form of object." (Col. 6, lines 59-61). "In addition to the two standard types of tiles (horizontal and vertical) there may be other tiles displaying data in different fashions." (Col. 6, lines 3-5). As such, Applicant submits that the instant specification teaches assigning a plurality of tiles to each object. Accordingly, Applicants request that the rejection of claims 1-132 under 35 U.S.C. §112 be withdrawn.

In item 7 of the Office Action, independent claims 1, 7, 30, 89, 114, 132 and dependent claims 2-6, 8-12, 14-15, 18-26, 28-29, 31-32, 37-45, 47-48, 90-97, 101-110, 112-113, 115-117, 119-128, 130-131 stand rejected under 35 U.S.C. §103(a) as being unpatentable over "Using 1-2-3 Special Edition." A prima facie case of obviousness is established only when the prior art teaches or suggests all of the elements of the claims. MPEP §2143.03, In re Rijckaert, 9 F.3d

1531, 28 U.S.P.Q2d 1955, 1956 (Fed. Cir. 1993). For the reasons that follow, Applicants request that the rejection of these claims be withdrawn.

To begin, independent claim 1 has been amended as follows:

> 1. In a computer system having input means for entering <u>data,</u> a plurality of objects to form an object list, ~~data,~~ and commands into said system by a system user, an operator display module for displaying information to said user, a memory for storing said data and commands, and processing means for performing processing operations in response to the entry of said data and said commands by said user, a method of generating a display on said operator display module comprising the steps in sequence of:
>   (a) entering a command into said system by said user to display a form;
>   (b) in response to said command, ~~using~~ said processing means <u>obtaining</u> ~~to obtain~~ said object list, corresponding to said form, from said memory;
>   (c) ~~using~~ said processing means, assigning ~~at least one of~~ a plurality of tiles to each of said objects<u>, respectively,</u> in said object list, in the following manner: at least one of said tiles being assigned to a group of said objects, and at least a second of said tiles being assigned to a single one of said objects; and
>   (d) ~~using~~ said processing means, displaying said tiles on said operator display module.

In regard to amended claim 1, the Office Action alleges that steps (a)-(d) are taught by "Using 1-2-3 Special Edition" (hereinafter referred to as "*1-2-3*"), except for "assigning a single tile to a group of objects and assigning a single tile to an individual object" which are alleged to be an obvious modification. It is further noted by the Examiner in the Response to Arguments, Item 11 of the Office Action, that "the claims do not preclude human interaction." Applicants note that claim 1 has been amended to overcome this objection.

Contrary to the Examiner's rejection, steps (b)-(d) performed by the "processing means" recited in amended claim 1 are not taught or suggested by *1-2-3* because *1-2-3* cannot assign "tiles to each of said objects in said object list". Every step recited in amended claim 1 is automatically executing according to a program running on the "computer system" except for step (a). Step (a) requires a system user's input to display a form. After the system user enters the command, the computer system via the "processing means" generates the shape and size of the tiles and hence the form based on the object and data to be displayed by "assigning a plurality of tiles to each of said objects in said object list" as recited in step (c) of amended claim 1.

In contrast to the claimed invention, *1-2-3* is a static spreadsheet program. Significantly, an entry in one cell of the spreadsheet remains in that particular cell until a user changes it. Once the user inputs the information into a particular cell, *1-2-3* will store this information which can be retrieved later. The spreadsheet never changes – the information will appear according to how the user entered it. *1-2-3* does not assign "tiles to each of said objects" via the "processing means" as recited in amended claim 1 because the user must physically change how the information is displayed before the display itself changes. Thus, the information in *1-2-3* does not change based on "objects" in an "object list" as recited in amended claim 1. The *1-2-3* spreadsheet is static and changeable only by the user while the claimed method is dynamic and changeable by the computer based on objects and data to be viewed.

The "tiles" in the claimed invention vary in size and shape as discussed in the specification of the subject application. (See FIGS. 4, 5A-5C and related discussion at column 5, line 60 to column 6, line 22). However, there is no variance of the size and shape of the cells of the spreadsheet based on information entered by the user. The cells as well as the form on *1-2-3* is static. Moreover, the *1-2-3* spreadsheet is predetermined and stored somewhere in the system. *1-2-3* does not have the capability to modify the form dependent upon the user or information being displayed by "assigning a plurality of tiles to each of said objects in said object list" as recited in amended claim 1.

While the Office Action acknowledges that "Using 1-2-3 does not specifically teach assigning a single tile to a group of objects and assigning a single tile to an individual object", it alleges that "it would have been obvious to one of ordinary skill in the art at the time of the invention to have employed such 'assignments', since Using 1-2-3 provides assignments which are at least suggestive of the claimed assignments." (Office Action, page 4, paragraph 8.) However, as cited in the Office Action, *Using 1-2-3* teaches:

Formulas

Electronic spreadsheets allow mathematical relationships to be created between cells. For example, if the cell named C1 contains the formula

+A1+B1

then C1 will display the sum of the contents of the cells A1 and B1. (The + sign before A1 tells 1-2-3 that this is a formula, not text.) The cell references serve as variables in the equation. No matter what numbers are entered in A1 and B1, cell C1 will always return their sum. For example, if cell A1 contains the number 5 and cell B1 contains the number 10, the

> formula in C1 returns the value 15. If you change the number in cell A1
> to 4, C1 will also change to 14. If course, spreadsheet formulas can be
> much more complex than this simple example. A cell can be added to,
> subtracted from, multiplied by, or divided by any other cell.

(Page 16, lines 1-16.) Thus, *Using 1-2-3* teaches using mathematical formulas to determine the number or data contained a cell based on data contained in other cells and not assigning "a set of display rules for displaying data of an object" (Specification, col. 1, lines 16-17). Therefore, *Using 1-2-3* does not teach or suggest "said processing means, assigning a plurality of tiles to each of said objects" as recited in amended claim 1.

Given the lack of a suggestion or motivation contained in the prior art for the proposed modification, it appears clear that the only suggestion or motivation comes from the Applicants' own disclosure. As is well established in the law, such hindsight to the Applicants' own disclosure is *per se* improper. *See Crown Operations International, Ltd. v. Solutia, Inc.*, 289 F.3d 137, 62 USPQ2d 1917 (Fed. Cir. 2002) (a determination of obviousness cannot be based on a hindsight combination of components selectively culled from the prior art to fit the parameters of the invention).

In addition, independent claims 7, 30, 89, 114 and 132 have been rejected in item 7 of the Office Action under 35 U.S.C. §103(a) as being unpatentable over *1-2-3*. Applicants assert that amended claims 7, 30, 89, 114 and 132 are in condition for allowance for the same reasons described above with respect to amended independent claim 1. Contrary to the Examiner's rejection, steps performed by the "processing means" and "processor designed to perform processing operations" recited in the amended claims are not taught or suggested by *1-2-3* because *1-2-3* cannot associate "tiles with each of said objects" in said object list. *1-2-3* does not have the capability to modify the form dependent upon the user or information being displayed by "associating a plurality of tiles with each of said objects" in said object list as recited in the amended claims.

It should be noted that Applicants have amended independent claims 1, 7, 30, 89, and 114 to include claim language that previously put claims 1 and 7 in condition for allowance over the cited reference. In this respect, Applicants refer the Examiner to the Amendment Under 37 C.F.R. §1.116 filed in the original application on October 19, 1992 and the subsequent Notice of Allowance mailed on November 13, 1992. Accordingly, Applicants request that the rejection of independent claims 1, 7, 30, 89, 114 and 132 be withdrawn. In addition, Applicants request that

the rejection of claims 2-6, 8-12, 14-15, 18-26, 28-29, 31-32, 37-45, 47-48, 90-97, 101-110, 112-113, 115-117, 119-128, 130-131 be withdrawn as depending from independent claims 1, 7, 30, 89, or 114.

In item 8 of the Office Action, independent claims 49, 68 and dependent claims 13, 17, 27, 36, 46, 50-51, 55-67, 69-72, 76-88, 101, 111, 119, 129 stand rejected under 35 U.S.C. §103(a) as being unpatentable over "Using 1-2-3 Special Edition" in view of Cobb et al., "Excel In Business." A prima facie case of obviousness is established only when the prior art teaches or suggests all of the elements of the claims. MPEP §2143.03, In re Rijckaert, 9 F.3d 1531, 28 U.S.P.Q2d 1955, 1956 (Fed. Cir. 1993). For the reasons that follow, Applicants request that the rejection of independent claims 49, 68 and dependent claims 13, 17, 27, 36, 46, 50-51, 55-67, 69-72, 76-88, 101, 111, 119, 129 be withdrawn.

Applicants assert that amended claims 49 and 68 are in condition for allowance for the same reasons described above with respect to amended independent claim 1. Accordingly, Applicants request that the rejection of independent claims 49 and 68 be withdrawn.

In addition, Applicants request that the rejection of claims 13, 17, 27, 36, 46, 50-51, 55-67, 69-72, 76-88, 101, 111, 119, 129 be withdrawn as depending from independent claims 1, 30, 49, 68, 89, or 114.

In item 9 of the Office Action, claims 16, 33-35, 98-100, and 118 stand rejected under 35 U.S.C. §103(a) as being unpatentable over "Using 1-2-3 Special Edition" in view of McDonald et al., "The Benefits of Automated Medical Record Systems For Ambulatory Care." A prima facie case of obviousness is established only when the prior art teaches or suggests all of the elements of the claims. MPEP §2143.03, In re Rijckaert, 9 F.3d 1531, 28 U.S.P.Q2d 1955, 1956 (Fed. Cir. 1993). Claims 16, 33-35, 98-100, and 118 depend from independent claims 1, 30, 89, and 114, respectively. Accordingly, Applicant requests that the rejection of claims 16, 33-35, 98-100, and 118 be withdrawn as depending from claims 1, 30, 89, and 114 for the same reasons described above with respect to claims 1, 30, 89, and 114.

In item 10 of the Office Action, dependent claims 52-54 and 73-75 are rejected under 35 U.S.C. §103(a) as being unpatentable over "Using 1-2-3 Special Edition" in view of Cobb et al., "Excel In Business," and further in view of McDonald et al., "The Benefits of Automated Medical Record Systems For Ambulatory Care." A prima facie case of obviousness is established only when the prior art teaches or suggests all of the elements of the claims. MPEP

§2143.03, In re Rijckaert, 9 F.3d 1531, 28 U.S.P.Q2d 1955, 1956 (Fed. Cir. 1993). Claims 52-54 and 73-75 depend from independent claims 49 and 68. Applicants request that the rejection of claims 52-54 and 73-75 be withdrawn as depending from claims 49 and 68 for the reasons described above with respect to claims 49 and 69.

CONCLUSION

It is requested that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding this Response, the Examiner is encouraged to telephone the undersigned counsel of Applicants.

Respectfully submitted,

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